IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WP(C).No. 30844 of 2006(V)

PETITIONER:

SANTHOSHKUMAR, S/O.C.S.GOPALA PILLAI,
MELEKOLLATHETHU HOUSE, KAITHAKODI P.O.,
AYROOR, PATHANAMTHITTA.

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

1.DISTRICT COLLECTOR, COLLECTORATE,
PATHANAMTHITTA.

2.TAHSILDAR, TALUK OFFICE, RANNI.

3.AYROOR GRAMA PANCHAYAT
OFFICE OF THE AYROOR GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY.

4.CHERUKOLE GRAMA PANCHAYAT
OFFICE OF THE CHERUKOLE GRAMA PANCHAYAT
REPRESENTED BY ITS SECRETARY.

R1-R2 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.30844 of 2006

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Dated: 22nd November, 2006

JUDGMENT

The grievance of the petitioner is that though he had purchased the right of mining river sand from Mookkenur Kadavu and Puthamon Kadavu under respondents 3 and 4 Grama Panchayats, due to unforeseen circumstances, he was not able to conduct sand mining during the entire period permitted by the auction. He therefore submitted Exts.P2 and P4 before the first respondent seeking refund of proportionate amounts so as to compensate for the loss sustained by him on account of the inability to conduct sand mining during the entire period. I do not propose to examine the genuineness of the grievances voiced by the petitioner. But Exts.P1(d) and P3(d) reports furnished by the 2nd respondent will show that the 2nd respondent recommended to the District Collector that there is some genuineness in the grievances voiced by the petitioner in Exts.P2 and P4. My attention was drawn by the learned counsel for the petitioner to Ext.P5 judgment which is also passed in an identical circumstance. I heard learned Government Pleader for respondents 1 and 2. Under these circumstances, the Writ Petition will stand disposed of in the following terms:

The first respondent, the District Collector, Pathanamthitta will

pass final orders on Exts.P2 and P4 representations submitted by the petitioner taking into account Exts.P1(c), P1(d), P3(c) and P3(d) reports and any other relevant material. Decision as directed above will be taken by the 1st respondent at his earliest and at any rate within one month of his receiving a copy of this judgment together with a copy of the writ petition and all the exhibits. If the petitioner is desirous of a hearing opportunity from the District Collector, he can request the District Collector in that regard who will upon such request grant the same.

srd **PIUS C.KURIAKOSE, JUDGE**